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PTOL-90A (Rev. 04/07)

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/034,390
Filing Date: January 03, 2002
Appellant(s): WU, WATSON

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Technology Center 2100

Joe McKinney Muncy
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/24/2005 appealing from the Office action mailed 4/22/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20020037104   Myers   3-2002

Uchihashi et al, "Video Manga: generating semantically meaningful video summaries",

Proceedings of the seventh ACM international conference on Multimedia (Part 1), October 1999,

p.383-392.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-4, 6-14, 16-24, and 26-30 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Myers et al, hereinafter Myers, (2002/0037104, 3/28/2002, provisional

application filed on 9/22/2000).

Regarding independent claim 1, Myers teaches the accepting, and capture of video with

an image capture sensor--*video-receiving module for receiving video source data, and decoding*

module (0033-0034, fig.1).

Moreover, Myers teaches the detection, and location of text regions within capture video

imagery. The text is detected according to text recognition device or computer--*extracting the*

text part from the video data according to a production guide (0035-0036, fig.1).

Furthermore, Myers fails to explicitly teach *an illustration-extracting module for*

extracting a key frame from the video data according to the production guide and producing the

book according to the extracted text part and illustration part. However, it would have been

obvious to one of ordinary skill in the art at the time of the invention to have extracted an

image—*illustration part*-- from a video and index the image to produce an indexed photo album

or book, using the extracted text, because Myers teaches using the extracted text to index images

(0030, lines 11-29), thus, providing the benefit of organizing images, and text extracted from

video, in order to quickly, and efficiently access those images.

Regarding claim 2, which depends on claim 1, Myers teaches storing the extracted text

for later processing with a word processor (0054, 0057). Myers fails to explicitly teach *receiving*

a command from a user to edit contents of the book after the book is produced. However, it

would have been obvious to one of ordinary skill in the art at the time of the invention to have

received a command with a word processor for editing the stored book, because Myers teaches

above the later processing using the extracted text, thus, providing the flexibility, and

convenience of a word processing program to edit the extracted text after words.

Regarding claim 3, which depends on claim 1, Myers teaches a user storing the extracted

text for later processing with a word processor— *producing the book using a template* stored

(0054, 0057).

Regarding claim 4, which depends on claim 1, Myers teaches a user deploying a

notebook—*production guide*-- for capturing video for extracting, and storing the extracted text

for later processing with a word processor (0054, 0057). Myers fails to explicitly teach *receiving*

a command from a user to select the production guide. However, it would have been obvious to

one of ordinary skill in the art at the time of the invention to have received a command with a

word processor for editing the stored book, because Myers teaches above the later processing

using the extracted text, thus, providing the flexibility, and convenience of a word processing

program to edit the extracted text after words.

Regarding claim 6, which depends on claim 1, Myers fails to explicitly teach *a caption-*

analyzing algorithm by which caption data and video data in the video data are analyzed, the

text-extracting module extracts the caption data to obtain the text part according to the caption-

analyzing algorithm, and the illustration-extracting module extracts image data from the video

data corresponding to the caption data as the illustration part. However, it would have been

obvious to one of ordinary skill in the art at the time of the invention to have extracted an image

from a video and index the image to produce an indexed photo album or book, using the

extracted text, because Myers teaches using the extracted text to index images (0030, lines 11-

29), thus, providing the benefit of organizing images, and text extracted from video, in order to

quickly, and efficiently access those images.

Regarding claim 7, which depends on claim 1, Myers teaches the capture of an image

used for text detection—*video data are analyzed according to an image sample* (0034). Myers

fails to explicitly teach *the illustration-extracting module extracts image data to obtain the*

illustration part according to the image-analyzing algorithm, and the text-extracting module

extracts the caption data to obtain the text part according to from the video corresponding to the

image data. However, it would have been obvious to one of ordinary skill in the art at the time of

the invention to have extracted an image from a video and index the image to produce an

indexed photo album or book, using the extracted text, because Myers teaches using the

extracted text to index images (0030, lines 11-29), thus, providing the benefit of organizing images, and text extracted from video, in order to quickly, and efficiently access those images.

Regarding claim 8, which depends on claim 1, Myers teaches the capture of an image—*according to an object*-- used for text detection (0034). Myers fails to explicitly teach *the illustration-extracting module extracts image data to obtain the illustration part according to the image-analyzing algorithm, and the text-extracting module extracts the caption data to obtain the text part according to from the video corresponding to the image data.* However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have extracted an image—*illustration part*-- from a video and index the image to produce an indexed photo album or book, using the extracted text, because Myers teaches using the extracted text to index images (0030, lines 11-29), thus, providing the benefit of organizing images, and text extracted from video, in order to quickly, and efficiently access those images.

Regarding claim 9, which depends on claim 1, Myers teaches the capture of an image used for text detection —*text-extracting module extracts captions in the image data as the text part*-- (0030, 0034). Myers fails to explicitly teach *the illustration-extracting module extracts image data as the illustration part.* However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have extracted an image—*illustration part*-- from a video and index the image to produce an indexed photo album or book, using the extracted text, because Myers teaches using the extracted text to index images (0030, lines 11-29), thus,

providing the benefit of organizing images, and text extracted from video, in order to quickly,

and efficiently access those images.

Regarding claim 10, which depends on claim 1, Myers teaches the capture of an image

used for text detection by agglomerating the text recognition results from several video frames to

obtain the best results from each frame and form a single result —*scene/shots shifts of image*

data are analyzed-- (0030, 0041). Myers fails to explicitly teach *use the scene/shot shift*

analyzing algorithm as a selection and segmentation guide for the text and illustration part.

However, it would have been obvious to one of ordinary skill in the art at the time of the

invention to have extracted an image—*illustration part--* from a video and index the image using

the extracted text, to produce an indexed photo album or book, using the extracted text, because

Myers teaches using the extracted text to index images (0030, lines 11-29), thus, providing the

benefit of organizing images, and text extracted from video, in order to quickly, and efficiently

access those images.

Claims 11-14, 16-20 are directed towards a method for implementing the system found in

claims 1-4, and 6-10 respectively, and therefore are similarly rejected.

Claims 21-24, and 26-30 are directed towards a computer program product on a

computer-readable medium for storing the steps found in claims 1-4, and 26-30 respectively, and

therefore are similarly rejected.

3.   Claims 5, 15, and 25 remain rejected under 35 U.S.C. 103(a) as being unpatentable over

Myers in view of Video Manga: generating semantically meaningful video summaries Uchihashi

et al, October 1999, Proceedings of the seventh ACM international conference on Multimedia

(Part 1), p.383-392, hereinafter Uchihashi.

Regarding claim 5, which depends on claim 1, Myers teaches the capture of an image

used for text detection (0034). Myers fails to explicitly teach *extracts the audio data to obtain*

the text part. However, Uchihashi teaches using speech recognition to extract text from video

(sect. 2, 4th parag.). It would have been obvious to one of ordinary skill in the art at the time of

the invention to have extracted an the text from audio found in the video, and extracted image

from a video and index the image to produce an indexed photo album or book, using the

extracted text, because Myers teaches using the extracted text to index images (0030, lines 11-

29), and Uchihashi discloses capturing compact and visually pleasing summary capturing

semantically important event (abst, sect. 6.2), thus, providing the benefit of organizing images,

and text extracted from video, in order to quickly, and efficiently access those images.

Claim 15 is directed towards a method for implementing the system found in claims 5,

and therefore is similarly rejected.

Claim 25 is directed towards a computer program product on a computer-readable

medium for storing the steps found in claim 5, and therefore is similarly rejected.

(10) Response to Argument

Regarding claims 1, 11, and 21, the Appellant notes there is no motivation to modify the apparatus, which uses text to index images into a book producing system (page 6, parag.2). The Examiner disagrees, because Myers teaches producing books using text extracted from a video (0030, 0035-0036). Myers fails to explicitly teach extracting, and producing a book using an extracted illustration part. However, it would have been obvious to extract the illustration part, besides the text, to produce a book, because Myers teaches the indexing of images using the extracted text (0030, lines 11-29). This would provide the benefit of producing a book, which contains both images, and text describing/organizing such images to provide a quick, and efficient access of those images.

In response to Appellant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (page 7, parag.1), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account <u>only knowledge which was within the level of ordinary skill at the time the claimed invention was made</u>, and does not include knowledge gleaned only from the Appellant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). The motivation for producing the

book, which contains the indexed images, comes directly from the Myers' disclosure, and not the appellants' own disclosure.

All the dependent claims stand rejected at least based on the rationale established above regarding independent claims 1, 11, and 21.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

For all of the reasons stated above the Examiner believes that the rejections should be sustained.

Respectfully submitted,
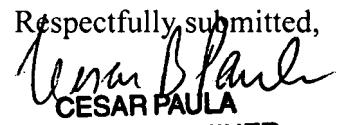
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PRIMARY EXAMINER
Cesar B. Paula
July 24, 2007
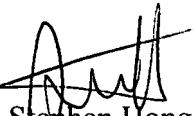
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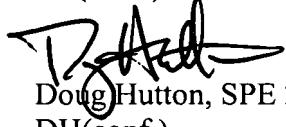
Doug Hutton, SPE 2176
DH(conf.)